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AN ATTIC LEASE INSCRIPTION

[PLATE I]

[Θ ε] ο ί

- ο]ί ὀργεῶνες ἐμίσθωσαν τὸ ἱερὸν το-
ῦ] Ἐργρέτου Διογνήτῳ Ἀρκεσίλου Με-
λιτεῖ εἰς δέκα ἔτη : **Η Η** : δραχμῶν τοῦ ἐ-
5 ἐ | νιαυτοῦ ἐκάστου, χρή . . σθαι τῷ ἰ-
ε | ρῶι καὶ ταῖς οἰκίαι(ι)ς ταῖς ἐνωικοδο-
ο | μημέναις ὡς ἱερῶι. περιλαίψει δ-
ἐ | Διόγνητος καὶ τῶν τοίχων τοὺς δε-
ομένους, ἐνωικοδομήσει δὲ καὶ κατ-
10 ασκευᾶι καὶ ἄλλ' ὅσ' ἂν τι βούληται
Διόγνητος. ὅταν δὲ ὁ χρόνος ἐξίημι
αὐτῷ τῆς δέκαετίας, ἅπεισιν ἔχων
τὰ ξύλα καὶ τὸν κέραμον καὶ τὰ θυρώ-
μ]ατα, τῶν δ' ἄλλων κινήσει οὐθέν. ἐπι-
15 μ]ελήσεται δὲ καὶ τῶν δένδρων τῶν
ἐν τῷ ἱερῷ πεφυκότων, καὶ ἂν τι ἐγ-
λείπει ἀντεμβαλεῖ καὶ παραδώσει
τὸν αὐτὸν ἀριθμόν. τὴν δὲ μίσθωσιν
ἀποδώσει Διόγνητος τῷ αἰὲ ταμιε-
20 ύοντι τῶν ὀργεῶνων ἐκάστου τοῦ ἐν-
ιαυτοῦ τῆμ μὲν ἡμίσεαν τὰς : **Η** : δραχμὰ[ς
τοῦ Βοηδρομιῶνος τῇ νομηνίαι,
τὴν δὲ λοιπὴν τὰς : **Η** : δραχμὰς τοῦ Ἐλα-
φβολιῶνος τῇ νομ(η)νίαι. ὅταν δὲ
25 θύωσιν οἱ ὀργεῶνες τῷ ἥρῳ τοῦ Βο-

- ηδρομιῶνος, παρέχειν Διόγνητον τ-
 ἡν οἰκίαν, οὐ τὸ ἱερόν ἐστιν, ἀνεωιγ-
 μένην καὶ στέγην καὶ τὸ ὀπτάνιον
 καὶ κλίνας καὶ τραπέζας εἰς δύο τρ-
 30 ἰκλινα. ἔὰν δὲ μὴ ἀποδίδωι τῇμ μίσθ-
 ωσιν Διόγνητος ἐν τοῖς χρόνοις τοῖς
 γεγραμμένοις ἢ τᾶλλα μὴ ποεῖ τὰ ἐν
 τῇμ μισθώσει γεγραμμένα, ἄκυρος
 ἔστω αὐτῷ ἡ μίσθωσις καὶ στερέσθ[ω
 35 τῶν ξύλων καὶ τοῦ κεράμου καὶ τῶν
 θυρωμάτων, καὶ ἐξέστω τοῖς ὀργεῶσι
 μισθοῦν ὅτῳ ἂν βούλωνται. ἔὰν δέ τις
 εἰσφορὰ γίνηται, ἀπὸ τοῦ τιμήματος
 τοῖς ὀργεῶσιν εἶναι. ἀναγράψαι δὲ
 40 τῇμ μίσθωσιν τήνδε Διόγνητον εἰς
 τὴν στήλην τὴν ὑπάρχουσαν ἐν τῷ ἰ-
 ερώ. χρόνος ἄρχει τῆς μισθώσεως
 ἄρχων ὁ μετὰ Κόροιβον ἄρχοντα.

THE stelé bearing this inscription is in the library of the American School of Classical Studies at Athens. It was presented to the American School on February 24, 1896, by a gentleman who also furnished evidence locating the place where it was found in a house-lot on the slope north of the Hill of the Nymphs, near the southeast angle of the Κήπου Θεοσείου and within the probable limits of the old deme Melite.

The stelé is of Pentelic marble, and is of a common type. It is 0.65 m. in height, averages 0.28 m. in width, and is finished at the top by a small imitation pediment (only partially shown in PLATE I), the architrave of which still bears the letters ΟΙ of the formal heading Θεοί.

The inscription consists of forty-three lines, including the heading, with twenty-eight letters regularly to the line. It is complete; few letters are missing or even doubtful, though the face of the stone is badly corroded down through the middle, and the cutting is rather careless. It is engraved con-

sistently *στοιχηδόν*, except in lines 21, 31, 34, 36, 37, 38, where, in each case, one or two extra letters are crowded in at the end of the line. In seven lines, viz. 10, 11, 15, 22, 28, 33, 35, the cutter has left the last space vacant to avoid breaking an initial syllable. In eight lines, however, he has broken syllables, even separating the vowels of a diphthong at the end of line 19, and probably also at the end of line 2. The letters are 0.005 m. in height, and are normal for the end of the fourth century B.C.

The condition of the stone deserves notice in three particulars. It is a palimpsest. In the smooth space below the last line of our inscription there are faint but unmistakable traces of scattered letters, particularly *omicron*, which is apparently the most persistent of inscribed characters. These obliterated letters seem to have been of the same size and form as those in the later inscription, while near the middle of the stone, at the beginning of line 26, there are traces of a larger letter, which possibly represents still another inscription. Below the bevel of the architrave also, the stone shows that it has been worked off for a new face.

At the beginning of lines 5, 6, 7, and 8, a chip has been broken from the stone, apparently before the present inscription was made, for the successive initial letters *ε*, *ε*, *ο*, and *ε*, which are marked off by the vertical line in the printed text, have been cut in the ragged depression. It might be a question whether this was not done by a later hand restoring lost letters, if there were sufficient reason for restoration, and if it were not for the dittography of *epsilon*, lines 4-5. This makes it quite certain that the stone was already broken. The stone-cutter at first avoided the broken space by cutting the letter N of *ἐναυροῦ* on the true face where it stands, but presently he changed his mind, cut letters in the depression in lines 6, 7, and 8, and afterward filled in the E in the fifth line, completing the column, but producing dittography.

Finally, the left projection of the *quasi*-pediment has been worked off, roughly but purposely, and evidently to adapt the

stone to a secondary use,—to a place in a wall most likely, or perhaps in a pavement. For this reason, less significance attaches to the precise spot where the stone was discovered.

TRANSLATION

"THE GODS

"The *Orgeones* leased the *hieron* of Egretes to Diognetus, son of Arcesilas, of Melite, for ten years, at two hundred drachmae each year, [Diognetus] to use the *hieron* and the buildings therein built as a *hieron*. And Diognetus shall coat over those walls that need it and shall build therein and put in order [by way of improvements] whatever else Diognetus may please.

"When the time of his ten years is out, he shall leave, taking with him the woodwork and the tiling and the doors with their frames, but nothing else shall he disturb.

"Furthermore, he shall care for the trees that are growing in the *hieron*, and, if any fail, he shall replace it, and he shall turn over the original number.

"The rental Diognetus shall pay to the one who is for the time being steward of the *Orgeones*, each year—one-half, namely, one hundred drachmae, on the first day of *Boedromion*, and the balance, namely, one hundred drachmae, on the first of *Elaphebolion*.

"And further, when the *Orgeones* make sacrifice to the Hero in *Boedromion*, Diognetus shall have the house, where the *hieron* is, ready and open; [he shall have ready] also its shed and the oven, and couches and tables for two dining-rooms.

"If Diognetus shall not pay the rental at the time prescribed, or if he fail to execute the other requirements specified in the lease, the lease shall be null and void to him, and he shall forfeit the woodwork and the tiling and the doors with their appurtenances, and it shall be the right of the *Orgeones* to lease the property to whomsoever they please.

"If there is any tax, it is to be deducted from the payment to the *Orgeones*.

"Diognetus shall have this lease inscribed on the stelé that is in the *hieron*.

"Time of the lease begins with the Archon succeeding Coroebus."

The date, then, of this *μίσθωσις* is fixed by the last entry in the inscription. Coroebus was Archon Ol. 118.3 = B.C. 306–305. He was succeeded by Euxenippus.

Six readings in the text require comment. In line 3 the first letter is gone. The name of the hero, but for this inscription, is as yet unknown, and therefore fails to determine between

reading the article which precedes as τὸ, neuter accusative, or as τοῦ, in agreement with the hero's name. The reading τὸ would leave the initial of the name to be supplied, while the construction would be that in such common expressions as τὸν δῆμον τὸν Ἀθηναίων.¹ On the other hand, the reading τοῦ, given in the text, is justified by the usage, also common, found, for example, in τὸ *Hiéron* τοῦ Κόδρου in a lease² of the fifth century, and in τὸν βωμὸν τοῦ Πλούτωνος.³ In *θυρώματα*, line 14, the workman has carelessly cut Γ where Τ was intended, and this raises a third possibility as to the name of the hero—*ετρέτου* instead of Ἐγρέτου. On the stone is ΕΤΡΕΤΟΥ with the cross-bar of the gamma projecting slightly to the left of the vertical stroke. No initial letter can be supplied so as to make a known epithet, or even a new one that is more rational than Ἐγρέτου. This seems to be true also of the remotely possible alternative—*ετρέτου*. So I choose the simplest reading το[ῦ] Ἐγρέτου. It is the *hieron* of Ἐγρέτης or Ἐγρετος.

While there seems to be no conclusive evidence by which to identify the hero or god of this *temenus*, there are two clews, both tending toward some connection with Apollo. One is through the linguistic associations of the word ἐγρέτης, the other is the reference to the hero in lines 24–26 of this inscription, ὅταν δὲ θύωσιν οἱ ὀργεῶνες τῷ ἥρῳ τοῦ βοηδρομιῶνος. It cannot be maintained that in this expression, considered by itself, τοῦ βοηδρομιῶνος implies anything except time value with θύωσιν, but its close sequence to ἥρῳ may reflect a common association, and it certainly suggests Callimachus's line:⁴ ὦπολλον, πολλοὶ σε βοηδρόμιον καλέουσι.

The form ἐγρέτης appears to be related to ἐγείρω,⁵ and it may be conjectured that from the radical meaning 'wake,' 'urge,' ὁ Ἐγρέτης designates 'the leader.' The evidence is too slight⁶

¹ C.I.A. II, 249₁₈.

² *Am. J. Arch.*, First Series, III, 1887, p. 38.

³ *Εφ. Ἀρχ.* 1883, p. 114, insc. B.

⁴ Callimach. *Eis Ἀπόλλ.* 69. Cf. Paus. IX, 17, 2; and Robert-Preller, *Griech. Mythol.* p. 263 with note 3.

⁵ Hesych. s.v. ἔγρετο · ἐγείρετο.

⁶ But see *Od.* ε 48 — τοὺς δ' αὖτε καὶ ὑπνώοντας ἐγείρει.

to connect this epithet with Hermes, but *Ἐργέτης* would take its place quite naturally, both from its form and its apparent meaning, in a group of epithets¹ of Apollo which have radical differences, but which show symptoms of interrelation, at least through confusion, or by fanciful transference. Among these epithets of Apollo, *Ἐργέτης* approaches most nearly to *ἀγρέτης*. This latter occurs in an inscription of Chios in the form *Ἀπόλλωνος Ἀγρέτεω*. In his discussion of it in *B.C.H.* III, 1879, p. 322, M. Haussoullier said: "C'est la première fois, croyons-nous, qu'on rencontre l'épithète *ἀγρέτεως*, *ἀγρέτεω*. Le mot semble formé du même radical que *ἀγρέτης*." Cf. Hesychius, *ἀγρέταν · ἡγεμόνα. θεόν*.

In line 5 there is a curious omission between *η* and *σ* in the word *χρῆ . . σθαι*. There is the proper space for two letters. The stone is perfectly preserved here, and was never cut. Is it a correction in Greek prose composition? Either *χρή(σα)σθαι* or *χρή(σε)σθαι* would fill the requirements. It might be that the aorist was loosely projected, and then was abandoned for the continuative notion of the present by simply leaving *σα* uncut; or, perhaps the cutter skipped two letters by careless oversight such as can be proved in some inscriptions. This presupposes, in either case, that the letters were sketched on the stone before cutting.

In line 6, ΟΙΚΙΑΞ may be for *οἰκία(ι)s*, by the omission of *iota* in transferring from the copy to the stone.

In line 10, the seventh letter is *iota*, completing ΚΑΤΑΞΚΕΥΑΙ. As a noun in the nominative plural, *κατασκευαί* would be without syntax here. It cannot be any identified form. A violent emendation into *κατασκευὰ(ς)* would be unsatisfactory, even if there were any reasonable way of explaining the *iota* as unintentional. The words immediately preceding are *ἐνοικοδομήσει δὲ καί. κατασκευαί*, if sound, must be *κατασκευᾶ*, an asigmatic

¹ *Ἀγήτωρ*, an epithet of *Ἀπόλλων Καρνέϊος* in Argos, v. Robert-Preller, *Griech. Mythol.* p. 250, 3. *ἀρχηγέτης*, Paus. I, 42, 5, and *C.I.G.* 3905; for other cases and discussion, v. Robert-Preller, p. 269, and note 3. *ἀγρέτης*, *B.C.H.* III, 1879, p. 322. Cf. *τὸν ἀγρευτὰν Ἀπόλλω* in Soph. *O.C.* 1091, and for *ἀγρευτής*, *ἀγρεύς*, *ἀγραιός*, v. Robert-Preller, p. 272.

future and coördinate with ἐνοικοδομήσει; and it is, therefore, an extremely interesting case, occurring so early as the fourth century. Futures of this type,¹ from a verb in -άζω, have not been identified earlier than the second century B.C.,² and even then they are still comparatively rare.³ This particular form is identified for the first time in this inscription.

A grammatical difficulty appears in line 10, in the words καὶ ἀλλ' ὅς' ἄν τι βούλῃται. Can τι follow ὅσα in this way? No other instance has been found in a careful search of Attic inscriptions down to the first century B.C.; and if such freedom had been possible to the orators, we should hardly expect to find it preserved. Two possible emendations may be mentioned,—ὥς ἄν τι and ὅταν τι. For the latter I am indebted to Dr. Wilhelm of the Austrian Archaeological Station at Athens. It seems more likely⁴ than ὥς ἄν τι because O and Ω are so distinct in fourth-century writing, but I can see no sufficient reason for a mechanical error or for confusion to account for the change to OΞANT! in either case. It is more reasonable, perhaps, to accept the grammatical difficulty and keep to the reading on the stone.

In line 24, NOYMINIAI is read νουμ(η)νίαι, because ! instead of H here must be a mechanical error. Phonetic confusion between η and ι in the fourth century B.C. is out of the question, and, besides, the letter is cut correctly in the same word in line 22.

¹ G. Meyer, *Griech. Gramm.* 3te Aufl. 538 a.

² Dittenberger, *Syll.* 248, note 26, commenting on κατασκευᾶν in *C.I.G.* 2058, B 29, says, "Eiusmodi verborum in -άζω futura contracta in titulis trium postremorum a. Chr. saeculorum satis frequentia sunt. *Hermæ*, XVI, p. 172, not. 1"; but Meisterhans, *Gramm. d. attisch. Inschriften*, § 64, 2, places the earlier limit a century later, "Auch σκευάζω bildet bis ins II. Jahrh. v. Ch. sein Futur sigmatisch. Erst vom II. Jahrh. an findet sich auch σκευῶ."

³ The series of occurrences with and without *sigma* given by Meisterhans, § 64, note 1249, is interesting: ἐπισκευάσει, *C.I.A.* II, 167₄₆, (shortly after 307 B.C., and so about the time of this inscription); κατασκευάσουσι, *ibid.* 403₃₃ (third century B.C.); μετακατασκευάσοντες, *ibid.* 404₃₂ (150-100 B.C.); κατασκ[ευ]ῶντες, *ibid.* 595₁₈ (200-100 B.C.); κατασκευῶσι[ν], *ibid.* 405₅ (circa 150 B.C.); [μετακατ]-ασκευῶσιν, *ibid.* 404₁₄ (150-100 B.C.).

⁴ Cf. Dittenberger, *Syll.* 369₇, ὅτι κα θελή.

Among linguistic and grammatical peculiarities of lesser importance, three may be deemed worthy of mention.

In line 14, *οὐθέν* is a form which became common in New Attic. It was once held to have come in with Theban influence after the battle of Leuctra, and this error is repeated in the eighth edition of Liddell and Scott's *Lexicon*. The form had possibly a local origin, and it is absolutely certain that its use antedates the Theban Hegemony by several years. Its counterpart, *μηθέν*, is said to be found first in an Attic inscription of 378 B.C.,¹ and *οὐθέν* occurs repeatedly in *C.I.A.* II, 789₂₀, which may be dated not later than 373 B.C.

The first syllable of *ποῖ* (= *ποῖ*) in line 32 is an example of the transition from *οι* to *ο*, which in this word begins considerably before the middle of the fifth century.² Its second syllable *-ει* represents *Ηι* of the subjunctive, which, according to Meisterhans,³ became increasingly frequent after 380, and prevailed after 300 B.C. Yet here in this inscription, as late as 305, we have both forms still side by side, — *ηι* in *ἐξήι*, line 11, and *ει* in *ἐγλείπει*, line 17, and in *ποῖ*, line 32.

The subject-matter of the inscription is definite, concise, and, in the main, clear in meaning. It is a ten-year lease contract between the *Orgeones* and one Diognetus. It contains unfortunately no new testimony touching the *Orgeones* beyond what has been already gathered by Foucart,⁴ and by Tarbell in his 'Study of the Attic Phratry.'⁵

Diognetus is designated as a resident in Melite, and this fact, taken in connection with the alleged provenience of the inscription, strengthens the natural presumption that the *hieron* was situated in this quarter of the city.

¹ *C.I.A.* II, 17₃₇.

² *E.g.*, *C.I.A.* IV, 27_{a41} (dated about 445 B.C.), and in the signature *Ἀνδοκίδης ἐπέσεν* (Berlin, *Vasensamm.* no. 2159), not later than 500 B.C.

³ *Gram. d. attisch. Inschriften*, § 15, 7.

⁴ *Des Associations Religieuses chez les grecs*, pp. 20 ff.

⁵ *Papers of the American School at Athens*, V, pp. 182 f. (*Am. J. Arch.*, First Series, V, 1889, pp. 147 f.).

περιαλείφει, in line 7, may cover the several processes of patching, facing with stucco, whitewashing, etc., which are differentiated in an inscription¹ from Eleusis in the expression, *τὸν βωμὸν τοῦ Πλούτωνος περιαλείφαι καὶ κονιᾶσαι καὶ λευκῶσαι καὶ τοὺς βωμοὺς τοῖν θεοῖν*.

κατασκευᾷ, lines 8-9, may be interpreted as permission to enlarge the existing buildings of the *hieron* by somewhat permanent improvements. In Polybius, VI, 17, 2, a distinction is made between *ἐπισκευάς* and *κατασκευάς*, the former seeming to designate repairs, the latter improvements; and in Dittenberger's *Syll.* 369, there is an expression not unlike the one in hand: *χρηέισθω δὲ καὶ τῶι περὶ τὸ ἱερό[ν] χώρῳ] τῶι δαμοσίῳ ὅτι κα θελήῃ, ὅτι κα [μὴ ἂ πός]λις κατασκευάξῃ*, 'he shall use the tract around the *hieron* belonging to the public domain as much as he pleases, (that is) as much of it as the state has not improved [by building].'

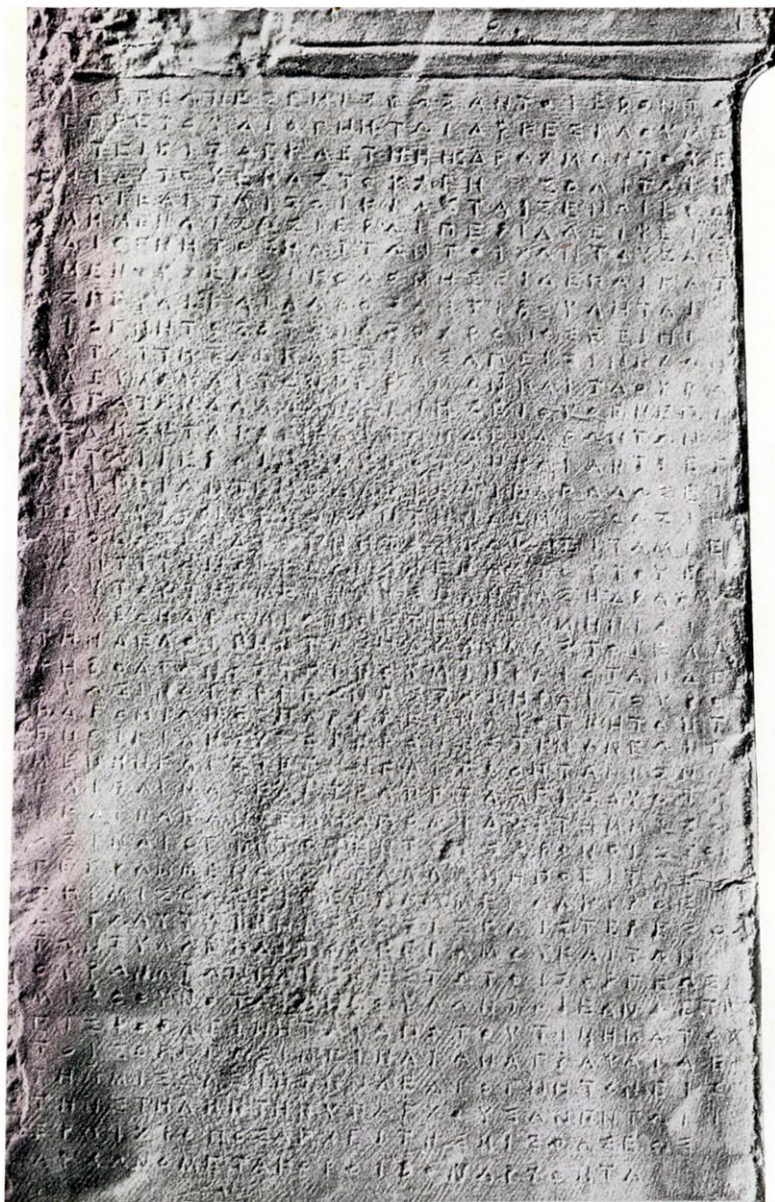
It is curious to notice what is regarded as belonging permanently to the real estate, and what is of a transient, movable, and personal value. Diognetus, at the close of his ten-year lease, is to take away as his own the woodwork, even to the doors, their posts and frames, and also the tiling of the roof. Undoubtedly he would be obliged to supply all this rather expensive furniture during his occupancy; and the contract simply guarantees to him what is actually his own property, for he probably found the place as thoroughly "swept and garnished" as it was to be after his own departure.

The price of rent, two hundred drachmae per annum, indicates a property of considerable value. The careful provision that the number of the trees be kept intact is also significant, and yet there is no mention of the number.

The time of the semiannual payments is specified: the first in *Boedromion* (the date of the Feast to the Hero), the second six months later in *Elaphebolion*.

Diognetus is to have full use of the whole estate, except at the time of the annual feast to the hero in *Boedromion*; then

¹ Εφ. Ἀρχ. 1883, p. 114.



AN ATTIC LEASE INSCRIPTION

(From an impression)

he must make room, and have in readiness some of the more important things essential to the feast.¹

The only thing that is obscure is the precise meaning of *στέγην*, line 28. It must be a noun, though it is conspicuously without an article, standing between its coördinates *τὴν οἰκίαν* and *τὸ ὀπτάνιον*. If the article has not been omitted through carelessness, as there is no good reason to suppose, the meaning may be as indicated in the translation, 'the house and [its] shed,' or possibly, in spite of apparent coördination, *στέγην* may be more closely connected with *τὸ ὀπτάνιον*, 'a shed with the oven,' thereby designating appropriately a rather temporary protection for the permanent oven, which stood, we may suppose, outside the house, although near by within the same enclosure.

The provision, in lines 39 ff., that Diognetus have the contract inscribed *εἰς τὴν στήλην τὴν ὑπάρχουσιν ἐν τῷ ἱερῷ*, explains the palimpsest. We seem to have the stelé that stood in the sanctuary, and on it are traces of the previous contract, which Diognetus erased when he fulfilled this specification.

GEORGE DANA LORD.

¹ Cf. Dittenberger's *Syll.* 379₂₀, *ἐὰν δέ τις τράπεζαν πληρῶι τῷ θεῷ, λαμβανέτω τὸ ἥμισυ.*